

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4619-03
Bill No.: Perfected HCS for HB 1787
Subject: Liability; Real and Personal Property
Type: Original
Date: March 31, 2010

Bill Summary: The proposal changes the laws regarding defensive use of force by a property owner, unlawful use of a weapon, concealed carry endorsements, and the purchase of rifles and shotguns.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
General Revenue	(Less than \$108,170)	(Less than \$100,000)	(Less than \$100,000)
Total Estimated Net Effect on General Revenue Fund	(Less than \$108,170)	(Less than \$100,000)	(Less than \$100,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 9 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Local Government*	\$0	\$0	\$0

* Offsetting revenues and costs due to increased number of concealed carry endorsement applications, net to \$0.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety – Director’s Office** assume the proposal would have no fiscal impact on their agency.

In response to a previous version of the proposal (HCS for HB 1787, LR # 4619-03), officials from the **Department of Public Safety – Missouri State Highway Patrol, Office of the State Public Defender**, and the **Jefferson City Police Department** assumed the proposal would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Section 571.030 (HA 2)

Officials from the **Department of Corrections (DOC)** assume the proposal revises unlawful use of a weapon by mandating that no person who has previously received a suspended imposition of sentence for certain felony violations can receive one for unlawful use of a weapon.

DOC cannot currently predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in direct offender cost either through incarceration (FY09 average of \$16.04 per offender per day, or an annual cost of \$5,855 per inmate) or through supervision provided by the Board of Probation and Parole (FY09 average of \$3.71 per offender per day, or an annual cost of \$1,354 per offender).

The need for capital improvements is not anticipated at this time. It must be noted that the cumulative effect of various new legislation, if passed into law, could result in the need for additional capital improvements funding if the total number of new offenders exceeds current planned capacity.

In summary, supervision by the DOC through probation or incarceration would result in additional unknown costs to the department. Eighteen (18) persons would have to be incarcerated per fiscal year to exceed \$100,000 annually. Due to the narrow scope of this new crime, it is assumed the impact would be less than \$100,000 per year for the DOC.

ASSUMPTION (continued)

Section 571.101

Officials from the **Department of Revenue (DOR)** assume the provisions in Section 571.101.2 propose a change to the minimum age requirement for a certificate of qualification for a concealed carry endorsement. The MEDL system would have to be modified to change the age edit for a concealed carry endorsement from twenty-three to twenty-one.

The DOR will need to update their website information regarding concealed carry endorsement issuance.

The DOR will need to coordinate information and changes to all law enforcement. A more detailed effort will be coordinated with the Missouri Sheriff's Association, because Sheriffs actually issue the CCW certification.

DOR estimates the following impact:

Driver License Bureau (DLB)

The proposed changes will require:

- Drafting of updates to website information on CCW.
- Updating office procedures.
- Work with Sheriff's Association to ensure all Sheriffs are notified of changes. Cost unknown.
- Development of Missouri Electronic Driver License system change requirements documents to define changes to minimum age and issuance periods for a concealed carry endorsement and completion of end-user testing by our internal staff. This will require overtime from existing staff in order to perform the testing:

FY 11

Administrative Analyst –	120 hrs @ \$24 (1 ½) per hr = \$2,880.00
Management Analyst Specialist II –	130 hrs @ \$23 per hr = \$2,990.00
Revenue Band Manager –	10 hrs @ \$30 per hr = \$300.00
	Total = \$6,170.00

ASSUMPTION (continued)

Cost for Personnel Services Bureau to update website and related forms for CCW information changes:

<u>FY 11</u>	
Administrative Analyst III –	10 hours @ \$22 per hour = \$220.00
2 Management Analysis Specialist I –	80 hours @ \$21 per hour = \$1,680.00
	Total = \$1,900.00

OA– Information Technology

This legislation will require programming changes to the Missouri Electronic Driver License (MEDL also referred to as Over the Counter-OTC) software and supporting applications to change the minimum age and term of a concealed carry endorsement.

MEDL Contractor Cost for Programming:

FY11

20 Estimated hrs for project completion (requirements/programming/testing) x \$100 per hour (Hourly rate for an OTC contractor) = **\$2,000**.

DOR notes the change in the minimum age requirement from 23 to 21 may increase the volume of CCW endorsements which will increase revenue for the duplicate license fee; however, the number of applicants is unknown, but expected to be minimal.

Oversight assumes the Department of Revenue's (DOR) costs of updating the DOR's website and related forms for CCW information changes could be absorbed within existing resources.

In response to a previous version of the proposal (HCS for HB 1787, LR # 4619-03), officials from the **Boone County Sheriff's Department** assumed an increase in revenues can be expected by reducing the eligibility age relative to the increased number of eligible applicants. Officials assume the amount of any expected increase is indeterminate. Officials also assume revenues will be gained via the additional fees for change of address (estimate approximately \$1,000 annually) and corrected certificates (estimate only about \$100.00 annually).

ASSUMPTION (continued)

Oversight assumes county sheriff departments could experience increased revenues and increased costs due to the increased number of applications. For fiscal note purposes, Oversight assumes the revenues generated will equal the costs for processing the applications. Oversight also assumes county sheriff departments could experience increased revenues from the fees for change of address and corrected certificates. For fiscal note purposes, Oversight assumes these revenues will be minimal, and has not reflected these minimal costs.

Officials from the Office of Prosecution Services, Buchanan County Sheriff's Department, Clark County Sheriff's Department, Columbia Police Department, Independence Police Department, Jackson County Sheriff's Department, Kansas City Police Department, Platte County Sheriff's Department, Springfield Police Department, St. Charles Police Department, St. Joseph Police Department, St. Louis County Police Department, and the St. Louis Metropolitan Police Department did not respond to Oversight's request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
GENERAL REVENUE FUND			
<u>Costs</u> – Department of Corrections (Section 571.030, HA 2)			
Incarceration/probation costs	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
<u>Costs</u> – Department of Revenue (DOR) (Section 571.101)			
Personal Service – Overtime costs	(\$6,170)	\$0	\$0
Contract programming	<u>(\$2,000)</u>	<u>\$0</u>	<u>\$0</u>
<u>Total Costs</u> – DOR	<u>(\$8,170)</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(Less than \$108,170)</u>	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
LOCAL GOVERNMENT			
<u>Revenues</u> – County Sheriff Departments			
Increased concealed carry endorsement applications	Unknown	Unknown	Unknown
<u>Costs</u> – County Sheriff Departments			
Concealed carry endorsement application processing costs	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON LOCAL GOVERNMENT	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

The proposed legislation specifies that an individual who owns or leases private property may use deadly force against a person who unlawfully enters, remains after unlawfully entering, or attempts to unlawfully enter the property. The owner or lessor of the private property does not have a duty to retreat from the property. Sections 563.011 & 563.031.

The proposal exempts all prosecuting attorneys, assistant prosecuting attorneys, circuit attorneys, and assistant circuit attorneys who have completed the firearms safety training course required under Section 571.111, RSMo, from the general prohibition on carrying concealed firearms and from certain other restrictions in Section 571.030. An intoxicated individual will not be charged with the unlawful use of a weapon while keeping a firearm or projectile weapon readily capable of lethal use on his or her person and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon. No person who pleads or is found guilty of a felony violation of subsection 1 of this section shall receive a suspended imposition of sentence if that person has previously received a suspended imposition of sentence for any other firearms or weapons related felony offense. Section 571.030, HA 2 and HA 4.

FISCAL DESCRIPTION (continued)

The proposal repeals the provisions which specify that a Missouri resident is only allowed to purchase rifles and shotguns in states contiguous to Missouri and a resident of a contiguous state is allowed to purchase these items in Missouri if he or she conforms to the Federal Gun Control Act of 1968, the laws regarding these purchases in Missouri, and the laws of the state in which the purchase was made and allows a Missouri resident or the resident of any state to make these purchases if he or she conforms to the federal act and the laws of both states. Repeals Sections 407.500 and 407.505; enacts Sections 571.085 and 571.087.

The minimum age requirement for obtaining a concealed carry endorsement is lowered from 23 to 21 years of age. Conviction of a misdemeanor offense of domestic violence will be grounds to disqualify a person from receiving a concealed carry endorsement. Section 571.101.

To process a change of address for a concealed carry endorsement, the sheriff of the new jurisdiction may charge a fee of up to \$10; and a sheriff may charge a fee of up to \$10 to change the name on an endorsement. Section 571.104.

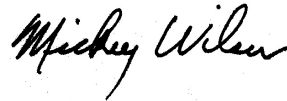
This legislation is not federally mandated, would not duplicate any other program, and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator
Department of Corrections
Department of Revenue
Department of Public Safety
 – Missouri State Highway Patrol
 – Director's Office
Office of the State Public Defender
Boone County Sheriff's Department
Jefferson City Police Department

NOT RESPONDING

Office of Prosecution Services, Buchanan County Sheriff's Department, Clark County Sheriff's Department, Columbia Police Department, Independence Police Department, Jackson County Sheriff's Department, Kansas City Police Department, Platte County Sheriff's Department, Springfield Police Department, St. Charles Police Department, St. Joseph Police Department, St. Louis County Police Department, and the St. Louis Metropolitan Police Department

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
March 31, 2010